



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-00569-Y3

Issue Date: AUG 08 2005

Expiration Date: SEP 08 2005

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

APPLICANT: Port Imperial Duck Charterers, LLC
One Pershing Road
Weehawken, NJ 07086

ACTIVITY: Commercial Amphibious Vehicle Landing Facility

WATERWAY: Hudson River

LOCATION: Pier 78, Borough of Manhattan, New York County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

**CENAN-OP-RE
PUBLIC NOTICE NO. 2005-00569-Y3**

Our preliminary determination is that the activity for which authorization is sought herein may affect shortnose sturgeon (*Acipenser brevirostrum*) and/or its critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat. A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to not be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

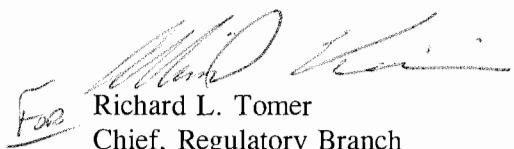
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- New York State Office of General Services

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8518 and ask for Rosita Rama.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

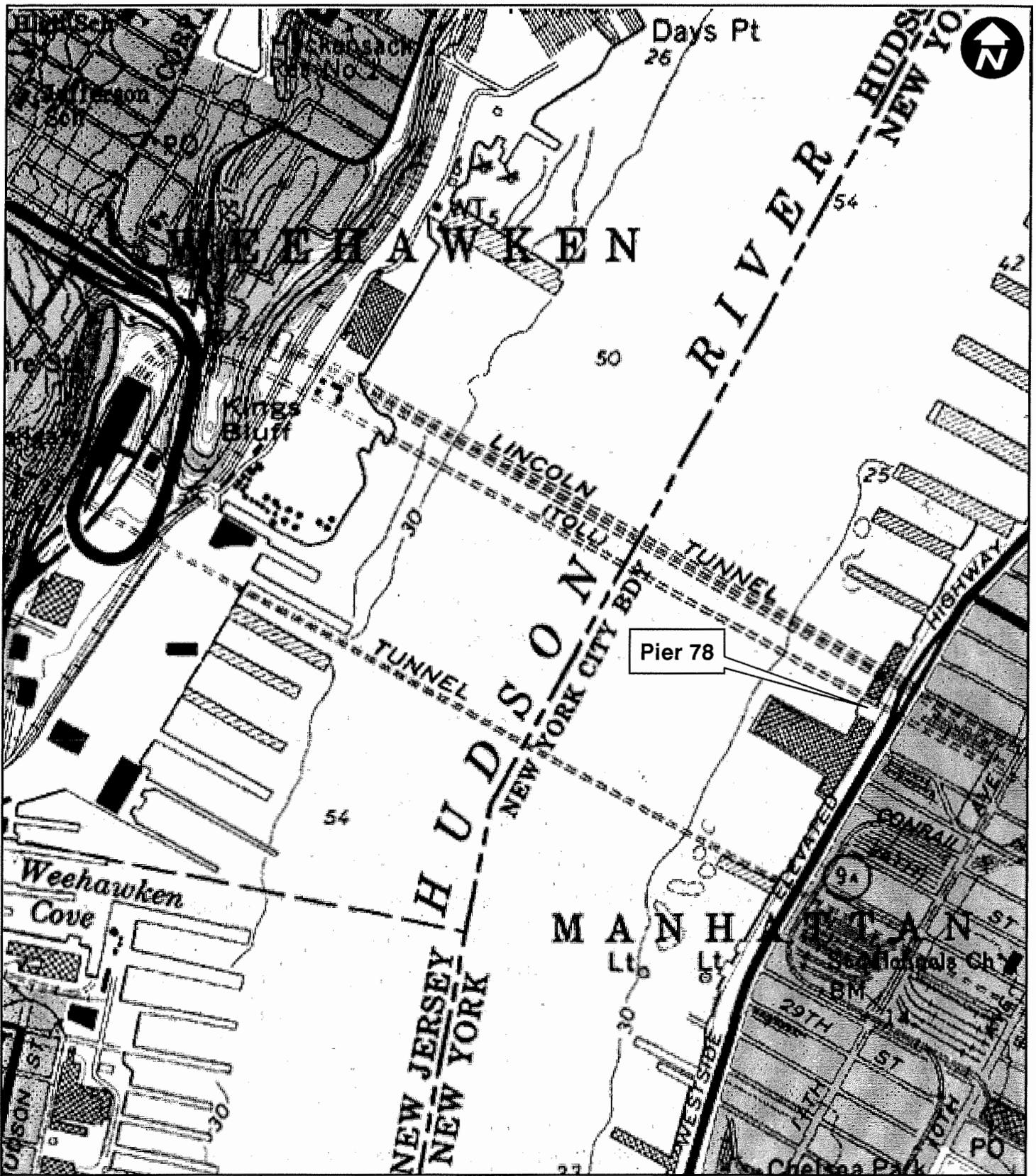
The applicant, Port Imperial Duck Charterers, LLC, has requested Department of the Army authorization to construct a permanent commercial amphibious vehicle ("duck") landing facility at Pier 78 in Hudson River, Borough of Manhattan, New York County, New York.

The work would involve the following activities:

- Removal of an existing 90-foot long by 30-foot wide barge;
- Removal of a 60-foot long by 6-foot wide aluminum gangway;
- Removal of a 86-foot long by 35-foot wide decking and platform;
- Removal of existing piles to the mudline in areas that would be in footprint of proposed new structure;
- Construction of seven (7) 25-foot long by 18-foot wide pre-cast concrete deck sections to be supported by approximately twenty-seven (27) 12-inch diameter steel piles;
- Installation of approximately forty (40) 12-inch timber fender piles with associated timber wales; and,
- Construction of two (2) 7-pile dolphins.

The structures to be removed would total approximately 6,070 square feet and the structures proposed to support the amphibious vehicle facility would total approximately 3,150 square feet - a net reduction of approximately 2,920 square feet.

The stated purpose of this project is to provide the public an alternative and innovative means to view Manhattan from both land and water. A "duck" vehicle can travel easily on both land and water and would be used for charter tours of Manhattan by traveling on both the streets and Hudson River.



USGS SITE LOCATION MAP
Port Imperial Duck Charterers, LLC
Pier 78 Amphibious Vehicle Landing Facility
Borough of Manhattan, New York

SOURCE:
 USGS Topographic Map
 7.5 Minute Series
 Weehawken Quadrangle

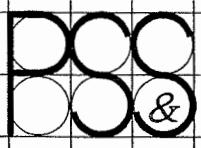
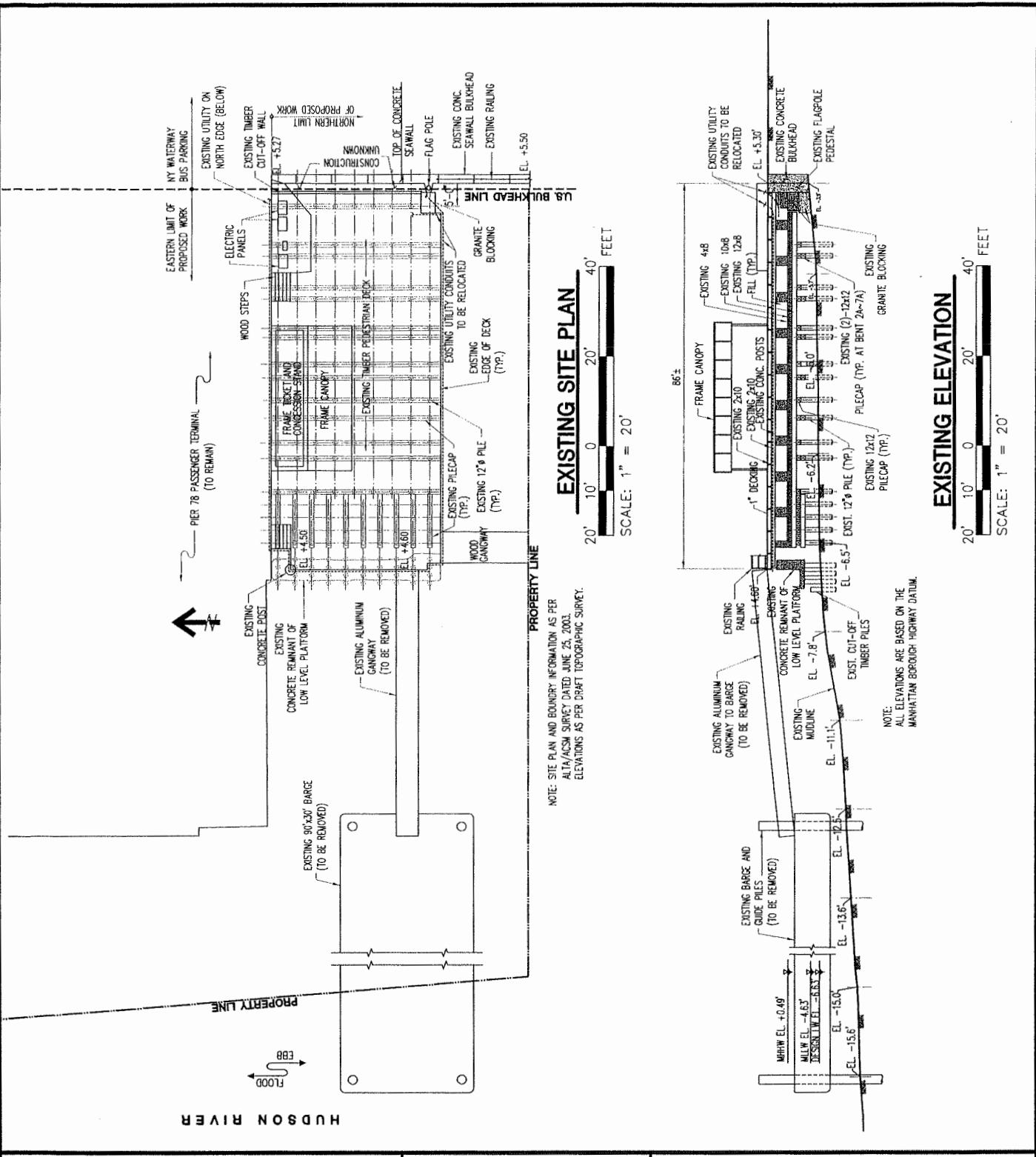
40° 45' 35.01"
 74° 00' 13.22"
 NAD 83 UTM Coordinates
 E 584096.83
 N 4512562.12



PAULUS
 SOKOLOWSKI and
 SARTOR Engineering, PC
 Engineers • Architects
 Environmental Scientists

1066

Drawn By: MB	Scale: 1" = 1000'	Project No. 00422.107.004
Chk'd By: ID	Date: 5-11-05	Figure No. 1



**PAULUS
SOKOLOWSKI and
SARTOR Engineering, PC**
Engineers • Architects
Environmental Scientists

FILE NAME:
PROJECT: 67A MOUNTAIN BOULEVARD EXTENSION
P.O. BOX 4039
WARREN, NEW JERSEY 07059
PHONE: (732) 560-9700
FAX: (732) 560-9768

PURPOSE:CREATE AMPHIBIOUS VEHICLE LANDING FACILITY
DATUM: NGVD
ADJACENT OWNERS:
1. DEPT. OF BUSINESS SERVICES
2. CITY OF NEW YORK
3. DEPT. OF TRANSPORTATION

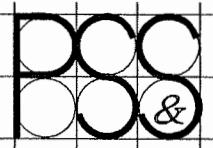
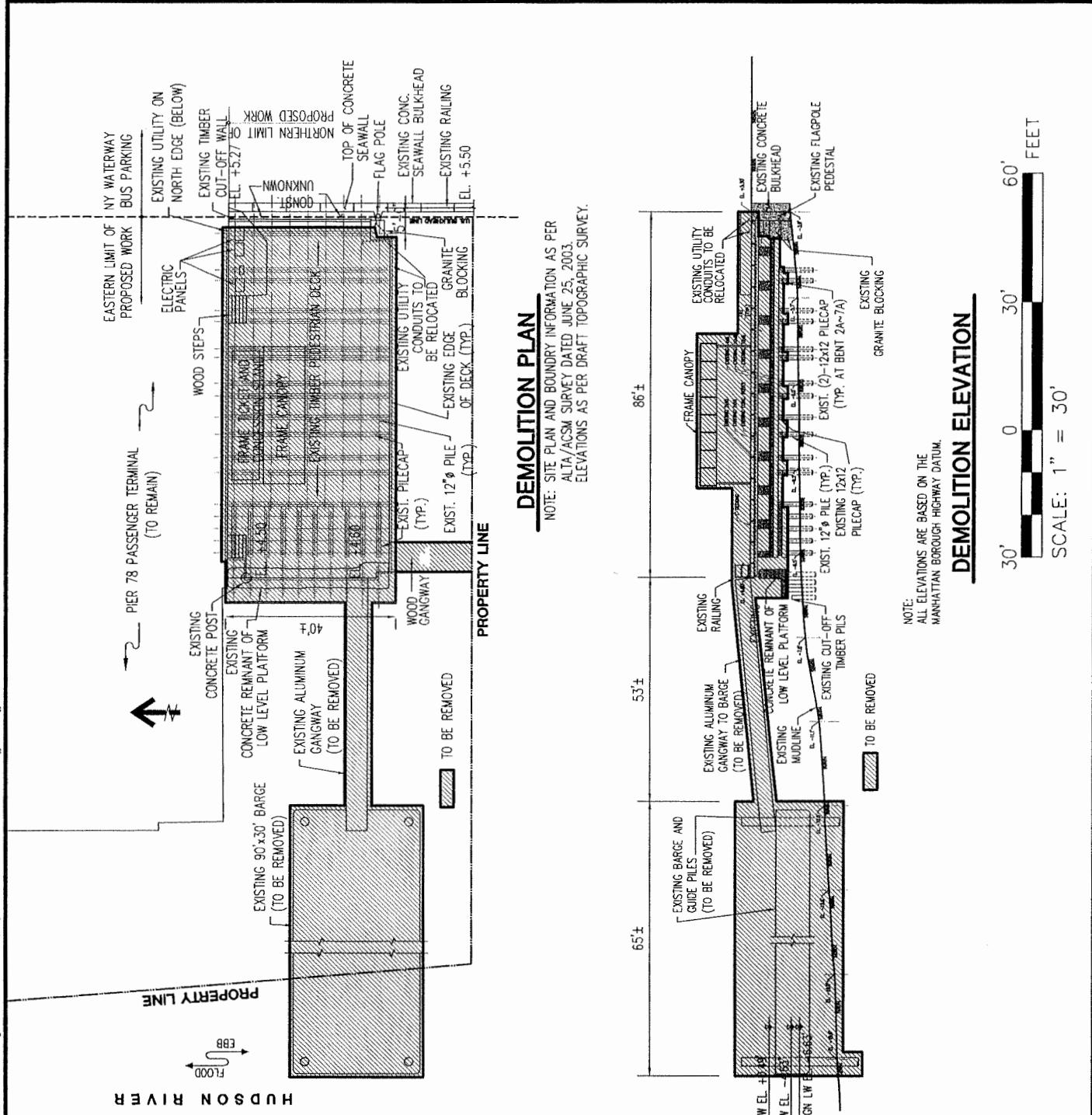
PROJECT NAME:
PIER 78 - DUCK CHARTER RAMP AND
HIGH LEVEL PLATFORM

APPLICANT: PORT IMPERIAL DUCK
CHARTERES, LLC
WEEHAWKEN, N.J.

EXISTING PLAN
AND ELEVATION
PIER 78, MANHATTAN, NY

SOURCE: McLaren Engineering

Drn. By: JJ	Scale: As Shown	Praj. No.: 00422,107.004
Ck'd By: IPD	Date: 05-17-05	Sheet: 2 of 6



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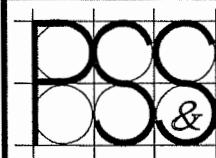
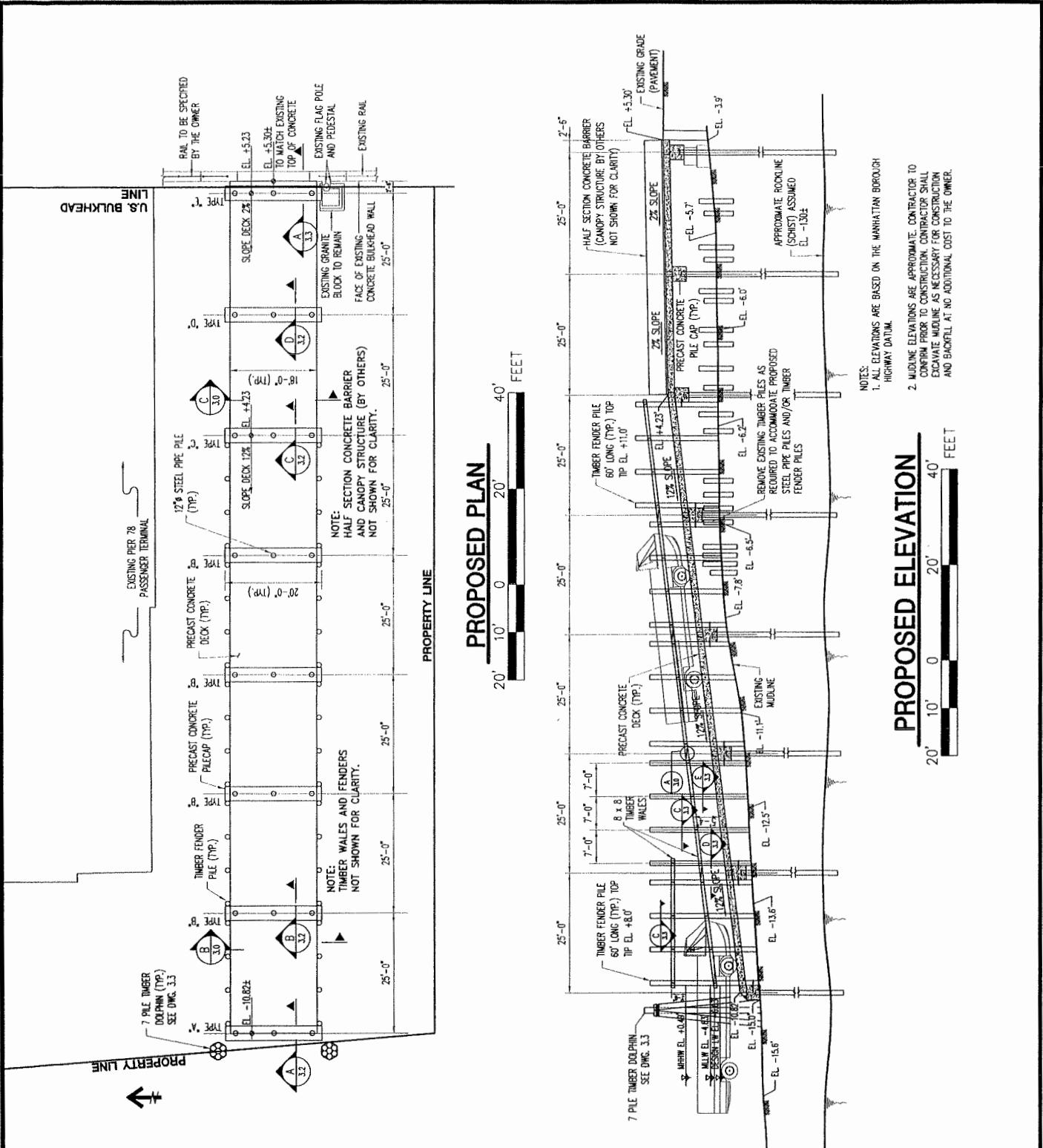
PROJECT NAME: PIER 78 - DUCK CHARTER RAMP AND HIGH LEVEL PLATFORM

APPLICANT: PORT IMPERIAL DUCK CHARTERS, LLC WEEHAWKEN, N.J.

SOURCE: McLaren Engineering

**DEMOLITION PLAN
AND ELEVATION
PIER 78, MANHATTAN, NY**

Drn. By: JJ	Scale: As Shown	Proj. No.: 00422.107.004
Ck'd By: IPD	Date: 05-17-05	Sheet: 3 of 6



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PROJECT NAME:
**PIER 78 - DUCK CHARTER RAMP AND
HIGH LEVEL PLATFORM**

APPLICANT: PORT IMPERIAL DUCK
CHARTERES, LLC
WEEHAWKEN, N.J.

**PROPOSED PLAN
AND ELEVATION
PIER 78, MANHATTAN, NY**

SOURCE: McLaren Engineering

Drn. By: JJ

Scale: As Shown

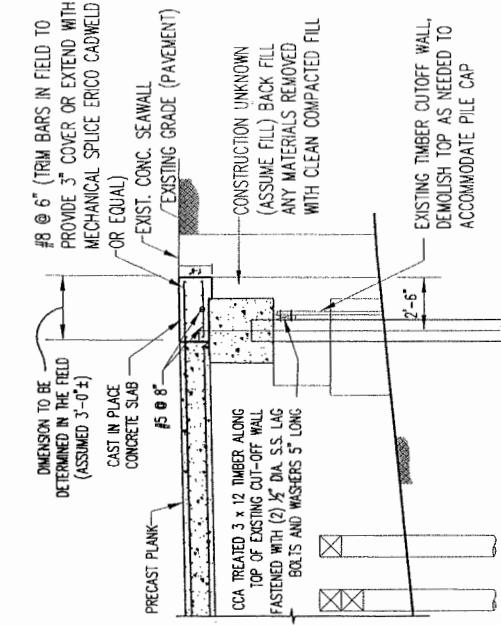
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Sheet: 4 of 6

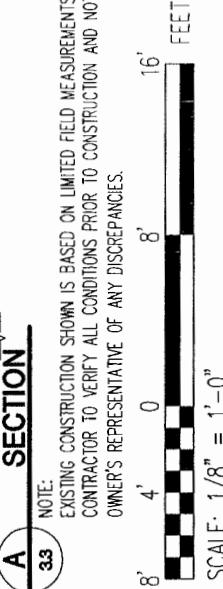
- NOTES:
1. ALL ELEVATIONS ARE BASED ON THE MANHATTAN BOROUGH HIGHWAY DATUM.
2. MUDLINE ELEVATIONS ARE APPROXIMATE. CONTRACTOR TO CONFIRM PRIOR TO CONSTRUCTION. CONTRACTOR SHALL EXCAVATE MUDLINE AS NECESSARY FOR CONSTRUCTION AND BACKFILL AT NO ADDITIONAL COST TO THE OWNER.



SECTION
33

CONSTRUCTION UNKNOWN
(ASSUME FILL) BACK FILL
ANY MATERIALS REMOVED
WITH CLEAN COMPACTED FILL

EXISTING TIMBER CUTOFF WALL,
DEMOLISH TOP AS NEEDED TO
ACCOMMODATE PILE CAP



B SECTION
33

ANCHOR WITH SIMPSON SET HIGH
STRENGTH EPOXY, EPCON C6
CERAMIC EPOXY, OR APPROVED EQUAL

1" DIA. THREADED ROD
ANCHOR WITH SIMPSON SET
HIGH STRENGTH EPOXY,
EPCON C6 CERAMIC EPOXY,
OR APPROVED EQUAL, 24" O.C.

CONCRETE
BARRIER

16" BARS
CONT. (TP)

6" BARS
CONT. (TP)